

**NPDES Stormwater
Technical Advisory Committee (TAC)**

REPORT OF MEETING

TUESDAY, APRIL 18, 2006

10:00 A. M.

CITY OF SOUTH SAN FRANCISCO

1. INTRODUCTIONS, ANNOUNCEMENTS, ADOPTION OF MINUTES, AND REVISION TO AGENDA
Self-introductions were made, the March meeting minutes were adopted as written, and no changes were made to the agenda. Dermot Casey announced he had quarterly inspection reports to distribute.

2. PRESENTATIONS

- A. Municipal Regional Permit Update – Matt Fabry gave an update on the March 27 Steering Committee meeting for the Municipal Regional Permit (MRP) process, at which Board staff gave brief presentations on the work products from the Total Maximum Daily Load work group and the Conditionally Exempt Discharge table produced by the Municipal Maintenance work group. Habte Kifle with the Regional Board provided an overview of the Conditionally Exempt Discharge discussion. Matt said the Regional Board proposed a revised Steering Committee process, in which the work group products would be briefly presented by Water Board staff, sent back to the work groups for revision, if necessary, followed by "full discussion" of each work group product, and then Board staff would write the Administrative Draft permit, to be followed by a public workshop. The next Steering Committee meeting will be held on Monday, April 24, from 1-3 PM at the Regional Board's building, and the products from the New Development and Municipal Maintenance work groups will be presented.

Fred Jarvis with EOA gave an overview of the summary document EOA prepared for the New Development table, detailing the current level of implementation, proposed Water Board and Non-governmental Organization (NGO) options for the regional permit, and STOPPP's position for the main items of contention. The main items of contention include lowering the current Group 2 threshold below 10,000 square feet of impervious surface, removing the single family home exemptions, and changing the hydromodification management requirements. Charlie Voos with Half Moon Bay indicated the Coastal Commission is not allowing any exemptions or thresholds in its coastal development permits, and is writing its own stormwater requirements that are completely separate from the Regional Board's requirements.

Hope Sullivan with Woodside asked if the invitations to NGOs included entities like home-builder associations or developers. Matt said the NGOs invited to participate by the Regional Board were specific entities that had shown interest in previous stormwater permit issues, testified at Board hearings on stormwater permits, or litigated stormwater permits. Matt indicated other stormwater programs were inviting the development community to Monday's Steering Committee meeting and recommended STOPPP representatives do the same if they have contacts.

Matt also indicated that if the Regional Board continues the current schedule of monthly two-hour Steering Committees, the "full discussion" step of the process would likely take at least another six months, as it seems there would be at least two hours of discussion for each of the six workgroup products. Habte was unsure whether the Board would increase either the frequency or duration of the meetings, but believed the plan was still to have a draft permit before the Board in the fall.

- B. AB1546 Programmatic Funding Update – Matt gave a brief update on the AB1546 programmatic funds workgroup. The group was completing project information sheets for each of the dozen or so projects proposed by the subcommittees in an effort to flesh out the project descriptions and detail the necessary information to allow ranking based on the selection criteria EOA drafted. The group hopes to have all projects ranked by the June TAC meeting with funding recommendations for the TAC's consideration.

- C. IRWMP Update – Matt gave an update on the status of STOPPP's project submittals to the Integrated Regional Water Management Plan (IRWMP). He participated in a conference call with the Technical Coordinating Committee (TCC) for the Flood Control/Stormwater Management component of the IRWMP where he lobbied for modifying the groups goals and objectives to be less "biased" toward flood control projects and allow equal consideration for ranking stormwater management projects. The TCC was agreeable to these modifications, and all 136 projects will be re-ranked. Matt hoped the changes to the goals and objectives would allow STOPPP's five projects to remain competitive with the rest of the IRWMP projects.

Chris Shirley with San Mateo County echoed Matt's comments and reminded the group of the April 24 public workshop and distributed the meeting notice. She also indicated STOPPP's trash abatement and creek care projects may be combined with other similar projects by other stormwater programs, making them regional projects and therefore more competitive. Cassie Prudhel with South San Francisco indicated her City's projects ranked quite low and asked if it was worth expending additional effort to revise the project information sheets. Chris said additional efforts would not likely improve the projects' rankings to the point where they would be in the top bracket.

- D. Litigation Summary – Fred provided a litigation summary for the group. There were two southern California cases recently decided, both in favor of the Regional Board. The first was for the city of Arcadia, who appealed the Trash Total Maximum Daily Load (TMDL) requirements. The court deferred to the Regional Board's expertise regarding economic impacts, but did decide the Board's California Environmental Quality Act (CEQA) analysis was inadequate. Rancho Cucamonga appealed its stormwater permit and the court determined the Regional Board is not required to include "safe harbor" language in its permits. The court also confirmed TMDL requirements can be more stringent than Maximum Extent Practicable requirements. At a Boeing facility contaminated with perchlorate, numeric effluent limits were included in a stormwater permit. Boeing appealed and requested a stay on the requirements, and the State Board is supposed to decide on the stay sometime this month.

Matt provided an update on the ongoing litigation in Los Angeles County regarding unfunded state mandates. He explained there are two parts of the case, one involving the catch 22 that all claims for unfunded mandate reimbursement go through a special Commission on State Mandates, yet the Commission on State Mandates has no authority over claims involving orders by the State and Regional Boards. As such, the County of LA has nowhere to go to make its claim regarding what it believes are unfunded mandates by the Regional Board. The second case by the County of LA addresses issues related to requirements going beyond Maximum Extent Practicable and the Regional Board's position that it can order inspection of facilities by municipalities beyond those listed in the federal regulations. Rich Napier (Executive Director of C/CAG) has asked Matt to evaluate whether it is worth filing an amicus brief to show support for LA's case, and whether the Bay Area Stormwater Management Agencies Association (BASMAA) has a position on these cases. Matt will follow-up and keep TAC representatives updated.

- E. Stream & Wetland Protection Policy – Fred provided a brief update on the Regional Board's proposed Stream and Wetland Protection Policy. Copies of the Notice of Scoping Meeting were distributed. This issue was discussed at last October's Impervious Surface Workshop. The impact on cities could be additional stormwater permit restrictions on land development near creeks, floodplains, and wetlands. Fred recommended that cities pay attention to this process as it progresses. Habte thought Board staff planned to bring the policy to the Board for review in Sept 2007, with adoption in early 2008.
- F. Meeting Frequency Discussion – Matt indicated Hope Sullivan with Woodside requested an agenda item to discuss the current meeting frequency for TAC and the various subcommittees and the resource drain on agency staff. Hope said Woodside struggles to provide staff resources to cover all of the subcommittee meetings and the time commitment is significant. She suggested reducing meeting frequency to quarterly, and possibly convening a special meeting for municipal regional permit issues. Other cities echoed Hope's comments about the time commitment, but the general consensus was the current meeting schedule was not overly burdensome. Habte commented that reducing meeting frequency because a program had matured and was able to manage things with fewer meetings was one thing, whereas reducing meetings due to staffing limitations was another. He stated he does not believe the STOPPP program is at a point where it can reduce meeting frequency due to the former. The group

discussed different options, but decided to keep meeting frequencies as is, and to have subcommittee chairs consider cancelling meetings if there are not enough agenda items to make it worthwhile.

- G. Regional Board Report – Habte gave a brief summary of the work product issues related to the Municipal Maintenance workgroup for Monday's Steering Committee meeting. One issue is having cities prioritize street sweeping areas. Another is more frequent inspection and cleaning of storm drains. He recommended people review the work group table, which is available on the Board's website under the municipal regional permit portion of the stormwater section. Habte also reported that the Cal EPA Secretary had changed from Alan Lloyd to Dan Skopec (acting agency secretary).

3. SUBCOMMITTEE REPORTS

PUBLIC INFORMATION/PARTICIPATION (PIP) – MARILYN HARANG

Marilyn Harang said the PIP did not meet and the next meeting is scheduled for May 9th.

COMMERCIAL/INDUSTRIAL AND ILLICIT DISCHARGE – WARD DONNELLY

Ward reported that CII met in April where they received an update on the Bay Area Pollution Prevention Group's pharmaceutical take-back event, reviewed evaluations from the March training workshop and the responses from the apartment complex outreach effort (workshop had good feedback, and 90% of apartment complex survey respondents found the information useful. Future outreach was recommended through the program website). There was discussion about partnering with Alameda's program on a booklet for vehicle service facilities. The group discussed the municipal regional permit's Illicit Discharge table. The final Restaurant and Vehicle Service Facility checklists will be put on STOPPP's website. The group discussed using the revised stormwater inspection form and talked about utility vault discharges. The PIP group is asking CII to select BMP brochures to be transferred to the new format as part of the image re-branding effort. The next meeting is scheduled for June 15, which is one week later than normal.

NEW DEVELOPMENT – MATT FABRY

Matt reported that ND had a presentation from the Mosquito Abatement District. The District is seeking coordination with local agencies on input on treatment control measure design criteria, inventory of treatment controls, access to treatment controls, long-term maintenance of treatment controls, and aid in communication with other agencies that may be affected. The group discussed Alameda County's model alternative compliance program and decided to hold off on developing a similar program until the regional permit process is further along. The spring workshop is May 18, and flyers have been distributed. RSVPs are due May 4. The group discussed the revised erosion control inspection form.

MUNICIPAL GOVERNMENT MAINTENANCE ACTIVITIES – Jen Chen

Matt indicated Municipal Maintenance had not met since the last TAC meeting.

PARKS AND RECREATION IPM GROUP – VERN BESSEY

Vern reported the workgroup had not met and the next meeting would be in August.

WATERSHED ASSESSMENT AND MONITORING –FRANK MANDOLA

Frank reported WAM had not met in April because the field trip was postponed due to weather. June 8 is the new date for the field trip and the next meeting is May 11 in South San Francisco.

4. PUBLIC COMMENTS

None

5. ANNOUNCEMENTS

Susan Hiestand with San Mateo County indicated the website was updated to include a link to Save the Bay's Keep it Clean survey. The ReNews newsletter is out on the website, and has been distributed in the San Mateo Examiner and will be in other papers next week. It has also been translated into Spanish. The IPM training video will be on the website soon. Susan is helping Save the Bay with a mercury thermometer exchange for Oracle employees.

6. ADJOURNED